

## REMARKS

Prior to Examination, please add new claim 85 and amend claim 51 as described above. Following entry of this amendment and the amendment mailed January 9, 2002, claims 1-25, 39-50 and 51-85 will be pending and claims 1-25 and 39-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions. Support for claim 51 as amended is found in the specification, for example, at page 64, lines 16-18; page 17, lines 8-9; page 82, lines 1-3; page 41, lines 22-23; page 33, lines 4-6; page 38, lines 13-20; page 39, lines 29-30; page 10, lines 19-28; page 19, lines 2-5; page 48, line 19 to page 49, line 20. Support for new claim 85 is found in the specification, for example, at page 64, lines 16-18; page 17, lines 8-9; page 82, lines 1-3; page 41, lines 22-23; page 33, lines 4-6; page 38, lines 13-20; page 39, lines 29-30; page 10, lines 19-28; page 19, lines 2-5; page 48, line 19 to page 49, line 20.

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional application.

## CONCLUSION

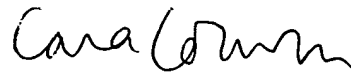
Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made**".

In the unlikely event that the Fee Transmittal is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to

charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 316082000121. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: February 25, 2002

By:   
\_\_\_\_\_  
Cara M. Coburn  
Registration No. 46,631  
  
for Gladys H. Monroy  
Registration No. 32,430

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5600  
Facsimile: (650) 494-0792

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

51. (Amended) A substantially isolated polynucleotide comprising a polynucleotide sequence encoding an antigen binding fragment which [specifically recognizes]competitively inhibits specific binding to a tumor cell surface epitope specifically recognized by an antibody or fragment thereof comprising the amino acid sequences of the H chain V region and the L chain V region of the polypeptide shown in SEQ ID NO: 14.

85. (New) The polynucleotide of claim 51, wherein the antigen binding fragment specifically recognizes a tumor cell surface epitope specifically recognized by an antibody or fragment thereof comprising the amino acid sequences of the H chain V region and the L chain V region of the polypeptide shown in SEQ ID NO: 14.